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DISTRICT COURT OF GUAM
FILED
MAY - 7 2002
MARY L. M. MORAN
CLERK OF COURT

13

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE DISTRICT OF GUAM

10 UNITED STATES OF AMERICA,) CIVIL CASE NO. 02-00005
11 Plaintiff,)
12 vs.)
13 BRIAN S. LEON GUERRERO,)
14 Defendant,)
15 _____)
16 NIPPON RENT-A-CAR,)
17 Garnishee.)

**NOTICE TO DEFENDANT-
JUDGMENT DEBTOR ON HOW
TO CLAIM EXEMPTIONS**

19 **NOTICE TO DEFENDANT-JUDGMENT DEBTOR**

20 **ON HOW TO CLAIM EXEMPTIONS FOR GUAM**

21 The attached pre-judgment or post-judgment process has been issued on request of the
22 United States of America.

23 The law provides that certain property and wages cannot be taken. Such property is said
24 to be exempted. This Notice lists the exemptions under federal law and your territory law. There
25 is no exemption solely because you are having difficulty paying your debts.

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If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court and counsel for the United States. You have a right to a hearing within five business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form which is attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

10 On the day of the hearing, you should come to court ready to explain why your property is
11 exempted, and you should bring any documents which may help you prove your case. If you do
12 not come to court at the designated time and prove that your property is exempt, you may lose
13 some of your rights.

14 It may be helpful to you to seek the advice of an attorney in this matter.

15 DATED this 3rd day of May, 2002.

FREDERICK A. BLACK
United States Attorney
Districts of Guam and the NMI

By:

ROBERT W. PEARSON
Special Assistant U.S. Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM**

UNITED STATES OF AMERICA, } CIVIL CASE NO. 02-00005
Plaintiff, }
vs. }
BRIAN S. LEON GUERRERO, }
Defendant, }
NIPPON RENT-A-CAR, }
Garnishee. }

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
 - 2. Veterans benefits (38 U.S.C. § 3101).
 - 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C § 562).
 - 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
 - 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
 - 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
 - 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
 - 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).

7. **Bankruptcy Code** (Title 11, United States Code) which generally provides exemptions for:

 7a. \$17,425.00 in equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

 7b. \$2,775.00 in equity in a motor vehicle.

Property Claimed: _____
Fair market Value \$ _____

 7c. \$1,150.00 in jewelry.

Property Claimed: _____
Fair market Value \$ _____

 7d. \$9,300.00 in personal property. (However, no single item worth more than \$450.00 can be exempt.)

Property Claimed: _____
Fair market Value \$ _____

 7e. \$925.00 in property, plus up to \$8,725.00 of any unused amount of the exemption provided in number 7(a) above.

Property Claimed: _____
Fair market Value \$ _____

 7f. \$1,750.00 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.

Property Claimed: _____
Fair market Value \$ _____

 7g. Any unmatured life insurance contract the debtor owns, other than credit life insurance.

Property Claimed: _____
Fair market Value \$ _____

 7h. The aggregate value, up to \$9,300.00, of any accrued dividend or interest under, or loan value of, any unmatured life insurance contract the debtor owns, but only if the debtor is the insured or the debtor is a dependant of the insured.

Property Claimed: _____
Fair market Value \$ _____

- ____ 7i. Professional prescribed health aids for the debtor or the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

- ____ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of you dependants.

Property Claimed: _____
Fair market Value \$ _____

- ____ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

Property Claimed: _____
Fair market Value \$ _____

- ____ 7l. The debtor's right to receive, or property that is traceable to,
- an award under a crime victim's reparation law;
 - a payment on account of the wrongful death of an individual of whom the debtor was a dependant, but only to the extent of reasonably necessary for the debtor's support or the support of the debtor's dependants;
 - a payment under a life insurance contract that the insured an individual's death, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants;
 - a payment, not to exceed \$17,425.00, on account of personal bodily injury suffered by the debtor or by an individual of whom the debtor is a dependant; however, payment for paid and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
 - a payment in compensation of loss of the debtor's future earnings or the future earnings of an individual of whom the debtor is, or was, a dependant, but only to the extent reasonably necessary for the debtor's support or the support of the debtor's dependants.

Property Claimed: _____
Fair market Value \$ _____

- ____ 8. Compensation for war risk hazards (42 U.S.C. § 1717).

NOTE: If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

MAJOR EXEMPTIONS UNDER THE TERRITORY OF GUAM

NOTE: If you select the exemptions available under territorial law, the law of the territory or state while you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant Territorial law provisions pursuant to § 690 of the Guam Code of Civil Procedure and Guam Public Law No. 17-33 allow the following exemptions:

___ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

___ 10. **Personal Property** - Necessary household goods, table and kitchen furniture. Necessary clothing valued at \$50.00 and provision for three months. A fishing boat and net valued at \$50.00. A cow and its calf, two sows and their suckling pigs, fifteen hens and three roosters; and a one month supply of food for each animal. Articles of religious worship valued at \$25.00.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

___ 11. **Trade/Farming Implements** - Farming utensils valued at \$50.00. A beast of burden (e.g., horse, carabao or ox) with one cart together valued at \$150.00 used in the ordinary course of business; also one month supply of food for such beast and grain or vegetables for planting or sowing within six months valued at \$25.00.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

___ 12. **Tools of the Trade** = Professional libraries or lawyers, judges, clergyman, doctors and preachers valued at \$250.00. Necessary tools of mechanic/artisan valued at \$25.00

Amount Claimed: \$ _____

___ 13. **Cemeteries and Burial Funds** - Gravestones

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____
_____	\$ _____

___ 14. **Wages/Salary** - Necessary earnings of debtor rendered within thirty days next preceding the levy of execution or attachment.

Amount Claimed: \$ _____

15. **Military Equipment** - Arms, uniforms and accouterments for Guam militia.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____
_____	\$ _____

16. **Child Support and Separate Maintenance** - Child support money received.

Amount Claimed: \$ _____

17. **Pensions and Retirement Benefits** - Pensions payable by the U.S., Government of Guam, and private retirement plans.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name